

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

James L. Roudabush, Jr.	:	
	:	CIV. ACTION NO. 15-5906(RMB)
Petitioner,	:	
	:	
v.	:	OPINION
	:	
J. Hollingsworth, Warden,	:	
	:	
	:	
Respondent.	:	

BUMB, U.S. District Judge

Plaintiff, a prisoner confined at FCI Fort Dix, submitted a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. (ECF No. 1.) Petitioner alleged his health, life and safety are in danger, and he is being abused, harassed and discriminated against in a conspiracy to punish him for his sexual orientation, and in retaliation for his civil actions in federal court. (ECF No. 1.)

Petitioner's claims involve the conditions of his confinement, and do not challenge the execution of his sentence. A finding in Petitioner's favor on these claims would not alter his sentence or undo his conviction. See Leamer v. Fauver, 288 F.3d 532, 542 (3d Cir. 2002) ("when the challenge is to a condition of confinement such that a finding in plaintiff's favor would not alter his sentence or undo

his conviction, an action under § 1983 [or Bivens] is appropriate.") Therefore, in the accompanying Order filed herewith, this Court will dismiss the present petition for lack of jurisdiction. See Cardona v. Bledsoe, 681 F.3d 533 (3d Cir. 2012) (district court correctly dismissed § 2241 petition for lack of jurisdiction where petitioner alleged his placement in prison's Special Management Unit was retaliation for his lawsuits). Petitioner may reopen this matter by submitting either the \$400 filing fee for a civil rights action or a properly completed *in forma pauperis* application, and a properly completed prisoner civil rights complaint.¹

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge

Dated: August 6, 2015

¹ If Plaintiff chooses to submit a prisoner civil rights complaint, his complaint should not contain any claims that are duplicative of claims in his pending Bivens actions.